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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VUONG, QUOCHIE B

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,391

Applicant(s)

HANSSON, MAGNUS

Examiner

Quochien B Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 05/24/04. Claims 1 and 3-13 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,577,861) in view of Sakai et al. (US 4,716,576).

Regarding claim 1, Ogasawara (figure 4) discloses a portable communication apparatus comprising a microphone (100) for generating a first analog electric signal; a reading device (20 or 27) adapted to generate a second electric signal from an optical or magnetic input signal; and a processing device (38 and 104), wherein the processing device is operatively coupled to the reading device such that the second electric signal from the reading device may be received at the input of the processing device (column 14, line 63 – column 16, line 7). Ogasawara does not specifically disclose a switching device having a first input coupled to the microphone, a second input coupled to the reading device, an output coupled to the processing device, and a control input for selecting whether the first or the second electric signal is to be forwarded to the

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processing device; and wherein the processing device is adapted to process the first and second analog electrical signals through a single signal path. However, Sakai et al. (figure 4) disclose a switching device (4) having a first input coupled to the microphone (3), a second input coupled to a data device (9), an output coupled to the processing device (1-1), and a control input (7) for selecting whether the first or the second electric signal is to be forwarded to the processing device; and wherein the processing device is adapted to process the first and second analog electrical signals through a single signal path (column 1, line 62 – column 3, line 12). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the switching device of Sakai et al. to the portable communication apparatus of Ogasawara for enabling a user to select a scan mode or voice mode as desired for the convenience of the user.

Regarding claim 3, Ogasawara disclose the reading device comprises an optical emitter and an optical receiver for reading information stored in a barcode (figure 4, reference numeral 20).

Regarding claim 4, Ogasawara disclose the reading device comprises a magnetic sensor for reading information stored in a magnetic strip on a card (figure 4, reference numeral 27).

Regarding claim 5, Ogasawara discloses the processing device comprises an amplifier adapted to amplify the first and second analog electric signals (figure 4, reference numeral 130), an A/D converter adapted to convert the first and second

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analog electric signals to a first and second digital signals (reference numeral 120), and a digital signal processor (reference numeral 122, 124, and 128).

Regarding claim 6, Ogasawara discloses the apparatus is a radio telephone (column 9, lines 10-20).

Regarding claim 7, Ogasawara discloses the reading device is integrated inside an apparatus housing of the portable communication apparatus (column 9, lines 36-40).

Regarding claim 8, Ogasawara disclose the reading device is located outside an apparatus housing of the portable communication apparatus and is connected through an accessory connector provided in the apparatus housing (column 9, lines 30-35; and figures 1-4).

Regarding claim 10, Ogasawara discloses the radiotelephone comprises a mobile telephone (column 9, lines 10-20).

Regarding claim 11, Ogasawara (figure 4) discloses a portable communication apparatus comprising a microphone (100) for generating a first analog electric signal; a reading device (20 or 27) adapted to generate a second electric signal from an optical or magnetic input signal; a processing device (38 and 104), wherein the processing device is operatively coupled to the reading device such that the second electric signal from the reading device may be received at the input of the processing device (column 14, line 63 – column 16, line 7). Ogasawara does not specifically disclose a switching device having a first input coupled to the microphone, a second input coupled to the reading device, an output coupled to the processing device, and a control input for selecting whether the first or the second electric signal is to be forwarded to the

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processing device; and wherein the processing device is adapted to process the first and second analog electrical signals through a single signal path. However, Sakai et al. (figure 4) disclose a switching device (4) having a first input coupled to the microphone (3), a second input coupled to a data device (9), an output coupled to the processing device (1-1), and a control input (7) for selecting whether the first or the second electric signal is to be forwarded to the processing device; and wherein the processing device is adapted to process the first and second analog electrical signals through a single signal path (column 1, line 62 – column 3, line 12). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the switching device of Sakai et al. to the portable communication apparatus of Ogasawara for enabling a user to select a scan mode or voice mode as desired for the convenience of the user.

Regarding claim 12, Ogasawara (figure 4) discloses a portable communication apparatus comprising a microphone (100) for generating a first analog electric signal; a reading device (20 or 27) adapted to generate a second electric signal from an optical or magnetic input signal; and a processing device (38 and 104) having an input operatively coupled to the microphone for receiving a first electrical signal from the microphone (column 14, line 63 – column 16, line 7). Ogasawara does not specifically disclose a switching device having a first input coupled to the microphone, a second input coupled to the reading device, an output coupled to the processing device, and a control input for selecting whether the first or the second electric signal is to be forwarded to the processing device; and wherein the processing device is adapted to

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process the first and second analog electrical signals through a single signal path.

However, Sakai et al. (figure 4) disclose a switching device (4) having a first input coupled to the microphone (3), a second input coupled to a data device (9), an output coupled to the processing device (1-1), and a control input (7) for selecting whether the first or the second electric signal is to be forwarded to the processing device; and wherein the processing device is adapted to process the first and second analog electrical signals through a single signal path (column 1, line 62 – column 3, line 12).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the switching device of Sakai et al. to the portable communication apparatus of Ogasawara for enabling a user to select a scan mode or voice mode as desired for the convenience of the user.

Regarding claim 13, Sakai et al. further disclose the processing device is adapted to process the first and second analog electric signals through a single signal path (see figure 1).

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 3-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA 22202, Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong
July 30, 2004.